

**EXHIBIT 2**  
UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING )  
PHARMACY, INC. PRODUCTS LIABILITY )  
LITIGATION )  
\_\_\_\_\_ )

THIS DOCUMENT RELATES TO: )

All Actions Involving Specialty Surgery Center, )  
Crossville, PLLC )  
\_\_\_\_\_ )

MDL No. 2419  
Dkt. No 1:13-md-2419 (RWZ)  
Judge Rya Zobel

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**PROPOSED SCHEDULING ORDER APPLICABLE TO THE SSC CASES**

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July \_\_\_\_, 2016

Boal, M.J.

The Court hereby enters the following schedule to apply to the suits naming Specialty Surgery Center, PLLC ("SSC"). The Court notes that the SSC Defendants<sup>1</sup> have moved for remand of the cases to Tennessee for trial at the close of common discovery<sup>2</sup>, and expressly states that entry of this order is in no way intended to impact the disposition of the motion to remand. This schedule shall apply to the SSC cases unless and until another scheduling order is entered either by this Court or the United States District Court for the Middle District of Tennessee, where the SSC cases were originally filed.

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<sup>1</sup> Specialty Surgery Center, PLLC; Kenneth Lister, MD; Kenneth Lister, MD, PC.

<sup>2</sup> Doc. 2939.

**Common Discovery Schedule**

Completion of Common Fact Discovery	75 days from entry of an order on the SSC Defendants' motion for protective order at Doc. 2906
Plaintiffs' Common Expert Disclosures	30 days from deadline for completion of common fact discovery
Defendants' Rebuttal Common Expert Disclosures	30 days from deadline for exchange of opening common expert disclosures
Plaintiffs' Reply Common Expert Disclosures	15 days from deadline for exchange of rebuttal common expert disclosures
Completion of Common Expert Depositions	90 days from deadline for reply common expert disclosures

**Bellwether Selection**

Each Side to Propose Four (4) Potential Bellwether Cases <sup>3</sup>	30 days from deadline for supplementation of Plaintiff Profile Forms
Each Side to Exercise Two (2) Bellwether Strikes	15 days from deadline for selection of eight (8) potential bellwether cases
Parties Jointly, or in Competing Briefs, Propose First (2) Two Trial Cases	15 days from deadline for Defendants' case-specific expert disclosures

**Case-Specific Discovery Schedule**

Supplementation of Plaintiff Profile Forms	30 days from entry of this order
Service of Initial Written Fact Discovery in Four (4) Potential Trial Cases	15 days from deadline for exercising bellwether strikes

<sup>3</sup> The cases selected by each side must be from different categories of injuries (*i.e.*, death, meningitis only, no disease, *etc.*).

Completion of Plaintiffs' Depositions	90 days from deadline for service of initial written fact discovery in four (4) potential trial cases
Plaintiffs' Case-Specific Expert Disclosures in Four (4) Remaining Potential Bellwether Cases	30 days from deadline for completion of Plaintiffs' depositions in four (4) potential trial cases
Defendant's Rebuttal Case-Specific Expert Disclosures in Four (4) Remaining Potential Bellwether Cases	30 days from deadline of exchange of case-specific expert disclosures
Completion of Case-Specific Fact and Expert Discovery in First Two (2) Trial Cases	45 days from deadline for selection of the first two (2) trial cases

<b><u>Motion Deadline</u></b>	
<i>Daubert</i> Motions and Motions for Leave to File Motions for Summary Judgment Due <sup>4</sup>	30 days from deadline for completion of case-specific and expert discovery in first two (2) trial cases

All other pretrial deadlines will be set by subsequent order of the trial court.

**So Ordered.**

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JENNIFER C. BOAL  
United States Magistrate Judge

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<sup>4</sup> The party that seeks summary judgment shall file a motion for leave, not to exceed 5 pages, setting forth good cause for why a summary judgment motion should be allowed. Oppositions shall be filed within a week of the motion for leave and are limited to 5 pages.